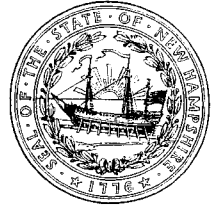




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 21, 2005

Mr. Ajal Chaloori
10 Joco Drive
Tyngsboro, Massachusetts 01879

**CERTIFIED MAIL (7099 3400 0018 1290 2346)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION**

RE: Improper Asbestos Removal at 142 South Main Street, Laconia, NH

Dear Mr. Chaloori:

On November 23, 2004 the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received a complaint from Mr. Mike Valliere, a former employee of Mr. Bob Beauvair. Mr. Valliere reported that while working for Mr. Beauvair, he was asked to remove suspected asbestos containing material ("ACM") from a cooler being dismantled during the renovation of a building owned by you located at 142 South Main Street, Laconia, NH (the "Property"). Mr. Valliere stated that after he declined to dismantle the cooler, other workers removed the ACM; the debris was placed in plastic trash bags and was removed from the Property by you.

On November 24, 2004, DES personnel went to the Property in order to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. The DES inspector met with the job-site foreman, inspected the Property, and took photographs of the renovation/demolition activity. As the debris from the interior renovation had already been removed from the Property, the DES inspector was unable to obtain a sample of the suspected ACM for laboratory analysis.

On November 24, 2004, DES personnel met with Mr. Beauvair, the contractor in charge of the renovation of your Property, at his office in Hooksett, NH. Mr. Beauvair told the DES inspector that when one of his employees suspected that the cooler contained ACM, he instructed his workers to leave the cooler alone. Mr. Beauvair stated that later his workers removed the suspected ACM from the cooler in error. The debris from the cooler was then mixed with demolition debris in a dumpster on the Property. When the driver for the dumpster company pointed out the suspected ACM, Mr. Beauvair instructed his workers to remove the ACM from the dumpster and place the debris in plastic trash bags. Mr. Beauvair told the inspector that he then notified you that arrangements would have to be made to properly dispose of the bagged debris, and requested that you contact DES. Mr. Beauvair further stated that you later came to the Property and removed the plastic bags containing the suspected ACM.

On November 29, 2004, you telephoned DES to discuss the incident. You explained to DES personnel that you had placed the plastic bags containing the suspected ACM inside your van and drove to a convenience store owned by you in Nashua, NH. In Nashua, one of your store employees, mistaking the bags for trash, removed the bags from the van and placed them in the convenience store dumpster. You stated that by the time you realized the bags containing the suspected ACM had been placed in the dumpster, Waste Management, Inc., had already emptied the dumpster. You further stated that you called Waste Management, but were told the material contained in your dumpster had been disposed of, and could not be retrieved. As a result of the inspection and of the information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on November 24, 2004. The specific violations are as follows:

- Env-A 1803.03 requires each facility operator to provide written notification to the division, the EPA Regional Office, and the city/town health officer, as applicable to the worksite location, in accordance with Env-A 1803.06 at least 10 working days before any demolition activity begins. This notification shall be required regardless of the amount of ACM, if any, that is contained in the facility.
- Env-A 1804.01 requires that before undertaking any renovation, each facility operator shall provide for an inspection, by a competent person, of the affected portion(s) of the facility for the presence of ACM. Env-A 101.80 defines a competent person as someone capable of identifying asbestos hazards and who has completed, at a minimum, a training course for asbestos inspectors
- Env-A 1805.09(a) requires that prior to any demolition, all regulated asbestos containing material must be removed in accordance with the applicable provisions of Env-A 1800.
- Env-A 1805.07(d) requires that any disposal of ACM in New Hampshire shall occur only at a location licensed to receive asbestos waste by the waste management division of DES.

DES wants to make it clear that there are requirements for conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. As the demolition work has already been completed and the demolition debris and the suspected ACM have already been removed from the Property, no further action related to the listed violations is required. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties. Further, please be advised that if the presence of ACM is suspected, an inspection for ACM should be conducted prior to initiating any future renovation or demolition activities. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373.

Sincerely,

A handwritten signature in black ink is written over the word "COPY". The signature appears to be "P. Monroe" with a stylized flourish at the end.

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enc.: Env-A 1800
List of asbestos abatement contractors

cc: W. Toland, EPA Region 1
G. Hamel, Legal Unit Administrator
M. Bonsteel, Laconia Building Administrator
Chairman, Laconia City Council
B. Beauvair, Hooksett, NH